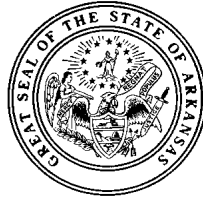

ASBCE NEWSLETTER



AR STATE BOARD OF CHIROPRACTIC EXAMINERS

www.state.ar.us/asbce

Watts 1-866-257-8227

March 2003

BOARD MEMBERS

Michael D. Courtney, D.C., President

Robert L. Shackelford, D.C., Secretary

Beverly Foster, D.C., Examination Officer

Harold Gunter, Jr., Treasurer

Mark S. Bradley, D.C., Investigation Officer

Larry L. Grinder, D.C., Member

Margaret Thompson, Public Member

PROFESSIONAL STAFF

Carol Ann Gates, Executive Director

Sandy Kita, Administrative Assistant

A MESSAGE FROM THE BOARD PRESIDENT

DR. MICHAEL D. COURTNEY

Dear Licentiates:

2003 is off to a fast start. It is exciting to be a chiropractic physician in 2003! Below my message you will find the results of a survey, which was conducted last year pertaining to Manipulation under Anesthesia (MA). Surveys and polls are important in order to determine consensus in the profession. By determining consensus of the issues the board is better guided in its decisions and in forming policy. In the future I hope that additional surveys and polls will be taken on a variety of subjects, which the Board may want clarification on; thereby being consensus driven. On a more serious note. It is estimated that at least half (50%) of licensed D.C.'s in Arkansas are not a member of a state professional organization. This is rather pathetic! I urge you to join today either the Arkansas Chiropractic Society (ACS) or the Arkansas Chiropractic Association (ArCA). This treasure called chiropractic is too valuable to

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neglect. Much work still needs to be done. Get Inspired! Read some of the history of this profession and see what others have endured. History is exhaustive of such great notables like the Palmers, Janse, Honeewood, etc., etc.

A question comes up often dealing with the procedure for complaints. All complaints received by the Board are investigated. Complaints may be filed online or via mail. Once the board receives a complaint it is referred to the investigation officer. The complaint then goes to the investigation committee. At the committee level the issues are looked at intensively by the Board president, investigation officer and Board attorney. Additional documentation may be requested, received, processed and if necessary a private investigator could be contracted. The committee, when it is ready will then report to the full board on the complaint and whether the issue is resolved, been handled, or whether the case should be brought up to a hearing level. The full Board is not made aware of the parties and only case numbers are discussed. Below in the section on Disciplinary Updates there is a Breakdown of Complaints/Investigations for an example. If a licentiate is notified of a complaint, please respond and send your documentation in a timely manner. This will hopefully hasten resolution of the complaint.

Michael D. Courtney, D.C., President

The MUA questionnaire results were as follows:

Question 1.) Do you favor Arkansas Chiropractors performing manipulation under anesthesia?
Yes **142** No **84**

Question 2.) Do you think that manipulation under anesthesia should be limited to those with certification and training?

Yes **190** No **28** Undecided **8**

RISK MANAGEMENT

"Free of Charge" doesn't mean, "free of risk"!

It's not uncommon today to find print advertisements offering visitors free introductory x-rays, spinal examination, and consultations.

This approach to practice building may promise to increase office traffic; it may also expose chiropractors to potential risk where professional liability is concerned.

Because "trial offer" customers are not billed, many chiropractors don't feel an obligation to perform routine office procedures – such as keeping detailed records – that they customarily would follow when treating their paying patients.

However, neglecting to practice good risk management when providing complimentary services can lead to disaster. Chiropractors who perform complimentary services, a contract nevertheless exists between the chiropractor and the first-time visitor who receives free care. This legally recognized relationship allows first-time visitors to file malpractice claims against the treating D.C. if they feel that they have not been treated with reasonable care.

Failure to follow basic chiropractic malpractice prevention procedures when rendering complimentary services could feasibly result in lost malpractice case, and/or large settlement.

If you're a chiropractor providing free introductory services, make sure that you perform the necessary preventative office procedures to protect your practice.

CALENDAR OF EVENTS

EVENT

BUSINESS MEETING

PLACE: MAIN STREET MALL – 101 EAST
CAPITOL, SUITE 208

DATE: APRIL 24, 2003

TIME: 10:00 A.M.

SPECIAL EVENT

FEDERATION OF CHIROPRACTIC LICENSING BOARDS

77TH ANNUAL CONGRESS

PLACE: HILTON DISNEY WORLD RESORT,
ORLANDO, FL

DATE: MAY 2-5, 2003

EVENT

CREDENTIALS MEETING.

DATE: JUNE 10, 2003

PLACE: MAIN STREET MALL, SUITE 208

TIME: 10:00 A.M.

SPECIAL EVENT

LICENSURE EXAMINATION, BUSINESS MEETING & ORIENTATION.

DATE: JULY 24, 2003

TIME: 8:00 A.M. BUSINESS MEETING

9:30 A.M. EXAMINATION

11:00 A.M. ORIENTATION

ALL MEETING ARE OPEN TO THE PUBLIC,
LICENSEES AND VISITORS.

THE TIME AND PLACE OF EACH MEETING SHALL
BE FURNISHED TO ANYONE WHO REQUESTS THE
INFORMATION.

EXECUTIVE SESSIONS ARE PERMITTED ONLY FOR
THE PURPOSE OF CONSIDERING EMPLOYMENT
OR RESIGNATION OF AN EMPLOYEE OR ANY
PERSON BEING INTERVIEWED FOR A TOP
ADMINISTRATIVE POSITION.

THE FOLLOWING CANDIDATES PASSED THE
JANUARY 23, 2003 EXAMINATION

DR. JEREMY ELLIS

DR. ALAN MEYER

**IN LIEU OF THE PRACTICAL EXAMINATION THE
FOLLOWING PRESENTED A NATIONAL BOARD
TRANSCRIPT PART IV.**

DR. VAN CORNELISON

DR. CASSIE LUTZ-CORNELISON

DR. STEPHEN H'DOUBLER

DR. BRENNAN UEHLING

CONGRATULATIONS TO ALL THE NEW LICENTIATES &
WELCOME TO ARKANSAS.

STATISTICS OF AR LICENSEES

LICENSES:	522 Active
	35 Inactive
	127 Acupuncture

LICENSE RENEWAL PROCESS

Completion of the license renewal applications, as well as verification that all requirements for renewal have been met for 2003.

There were some licensees who failed to renew by the deadline December 31. Several out-of-state doctors did not renew and their license has expired for failure to renew. Multiple notices were sent from the ASBCE office notifying the practitioners their failure to renew.

We also had a few doctors calling to let us know that for whatever reason they did not receive the renewal form. Statute ?17-81-311(d) "Failure of the licensee to receive the renewal form shall not relieve him of the duty to renew his license and pay the fee required." Please always contact our office before December 31 if you did not receive a renewal form. Our renewal date has never changed. Please be assured that if the date to renew, December 31 ever changes a mail-out notification would go out to every licensee notifying you of any changes.

DISCIPLINARY UPDATES

ADJUDICATORY HEARING

Dr. Carolyn Taylor:

On October 22, 2002 the Board of Examiners convened in a hearing for the purpose of conducted an administrative hearing in the matter of, Dr. Carolyn Taylor.

ORDER:

1. Dr. Taylor license was revoked to practice chiropractic in the State of Arkansas.
2. Dr. Taylor was ordered to pay the Court Reporter fee for transcription of the hearing- to be paid within 30 days upon issuance of the Order.

ADJUDICATORY HEARING

Michael Teston, P.T.

On December 10, 2002 the Board of Examiners conducted an adjudicatory hearing in the matter of, Michael Teston, P. T.

CONCLUSIONS OF LAW

Mr. Teston's actions violated Arkansas Code Annotated ?17-81-303(a)(1), which prohibits the practice and offer to practice chiropractic in the State of Arkansas without a license. Violation constitutes grounds for the Board to levy a fine of not more than \$5000 for each violation pursuant to ?17-81-303(e)(1).

ORDER

The Board ordered that Michael Teston, P.T. be fined \$5000 per violation for a total of \$10,000.00. The fine to be paid to the ASBCE within 30 days of receipt of the order. Teston is appealing.

BREAKDOWN OF COMPLAINTS/INVESTIGATIONS

Case #197-08-09-02: Issue resolved between the doctor and patient. No discrepancy on the part of the doctor was found.

Case 198-10-10-02: No violation

Case 199-10-14-02: turned over to the AR State Police. Under investigation

Case 200-10-28-02: Under investigation

Case 201-10-28-02: Resolved

Case 202-11-15-02: Insufficient evidence to proceed with an investigation.

Case 203-12-03-02: Resolved

Case 204-01-30-03: Cease & desist letter

Case 205-01-31-03: Under investigation

Case 206-01-31-03: Under investigation

POINTS OF INTEREST

The Board is charged with protecting the consumer, to investigate consumer complaints, and apply appropriate disciplinary action to doctors who may have broken the public trust through violation of regulation or statute.

Disciplinary procedures should provide for due process rights of the licensee.

Contacting Board members directly might result in a Board member having to be recused from a Board hearing.

Licentiates with inquiry concerning a Board investigation or complaint should contact the Board office regarding such matters.



THINK OF THE PROFESSION

Recently, we have received a number of complaints regarding chiropractic physicians contracting with telemarketing companies to call prospective patients.

The telemarketer calls an auto accident victim indicating that they are representing the patients insurance company. Then they refer them to the chiropractor, leading them to believe, *that* particular chiropractor is the only one they are permitted to see for treatment.

If indeed the above is occurring, then it is the doctors' responsibility to make sure that the telemarketer is not misleading the people he/she contacts. After all the telemarketer is representing the doctor.

ASBCE AUDIT RESULTS

The Legislative Joint Auditing Committee has completed an audit of the ASBCE.

According to Mr. Charles L. Robinson, CPA, CFE, Legislative Auditor, "The ASBCE financial statements ended in conformity with accounting principles. The results of our tests disclosed no instances of noncompliance."

PUBLIC HEARINGS

The Arkansas State Board of Chiropractic Examiners held a public hearing on August 13, 2002 for the purpose relative to repeal of Rules & Regulation Q.

After hearing all comments from the public the Board voted to revoke Regulation Q.

A committee was appointed to study the need for a revised rule. The committee to be authorized to contact trade organizations and other licensing boards as well as members of the public for comments on a new rule. The new rule would be presented in a future public hearing.

On September 19, 2002 the Board of Examiners held a public hearing relative to proposed additions to the Rules, Regulations.

The proposed rule additions were: PART TWO A. Application For State Board Examinations and Licensure. 5. Transfer of License. E. Professional Practices 1. Temporary License (a).

After comments and discussion the Board voted to accept the additions as presented.

PART TWO

A. APPLICATION FOR STATE BOARD EXAMINATIONS AND LICENSURE.

5. Transfer of License. A Doctor of Chiropractic who has continuously held an active license in good standing in another state or jurisdiction for a period of five (5) years may apply for transfer of license and licensure in Arkansas at the Board's option on an individual basis and by a majority vote, provided, the Doctor:
 - (a) submits an application to the Board;
 - (b) has passed either (1) the National Board, Part IV Examination, (2) the Practical Examination of the Arkansas State Board of Chiropractic Examiners, or (3) the national Board SPEC Examination;
 - (c) has passed the Board's Arkansas Jurisprudence Examination;
 - (d) has attended the Board's New Doctor Orientation Session, or agrees to attend the next scheduled Session and does in fact attend the Session; and,
 - (e) complies with all other requirements for maintaining a license in Arkansas and no other reason exists that would warrant a suspension or revocation of licensure, including CIN-BAD review.

E. PROFESSIONAL PRACTICES

1. Temporary License

- (a) Temporary Licensee Requirements and Privileges.
 - (1) Credentials shall include a completed approved application, including all necessary validated documents, a final chiropractic college diploma from a chiropractic school or college holding status with the Council on Chiropractic Education or similar standards as provided in section 2(a), Article A herein and such other information as the board deems necessary. Applicant must complete a Jurisprudence examination before approval for a temporary license will be granted.

✍️ CHECK OUT OUR WEB SITE
AT WWW.STATE.AR.US/ASBCE.

✍️ INFORM THE BOARD OFFICE OF
ANY ADDRESS OR TELEPHONE
NUMBER CHANGE.

AR 01-2016-10-10

PLEASE NOTE

ADDRESS CORRECTION

REQUESTED!

You know where you are. You know where we are. We know where we are. But-----We don't always know where you are....Please keep us posted!

✍️ *The Arkansas State Board of Chiropractic Examiners does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.*

Arkansas State Board of Chiropractic Examiners

101 East Capitol, Suite 209
Little Rock, AR 72201

ADDRESS CORRECTION REQUESTED